

## REMARKS

Claims 17-38 are pending in the present application. By this amendment, claim 22 has been amended to cure a typographical error and claim 39 has been cancelled without prejudice or disclaimer. All of the remaining claims have been rejected.

Claim 39 was rejected under 35 USC §112, first paragraph. The cancellation of this claim is believed to render this rejected moot.

Claim 22 was rejected under 35 USC §112, second paragraph, as being allegedly and definite. The amendment made to this claim herein is believed to address and resolve this rejection.

Claim 17-18, 29, 30, 33-34, and 37 were rejected under 35 USC §102(e) as being anticipated by Lueker et al. (U.S. Patent No. 6, 130,896). The Applicants respectfully traverse this rejection based on the following reasons.

In rejecting independent claim 17, the Office Action asserts that Lueker et al. discloses all of the features of this claim. The Applicants respectfully disagree. In particular, claim 17 features "the cordless communication devices being connected to a power supply network and design for broadband data transmission via the power supply network." In contrast, Lueker et al. specifically teach the utilization of access points 54 and 56, for example, that utilize physical layer circuitry indicating that Ethernet communication occurring at the physical layer is utilized. It is well known in the art that such systems are baseband and not broadband communication. Thus, Lueker et al. does not teach broadband data transmission as featured in claim 17.

Moreover, since the underlying purpose of Lueker et al. is to effect a local area network (LAN) with Ethernet routers, it would not be obvious to one of ordinary skill in the art to merely substitute the baseband communication for broadband because broadband would not be utilized by one of ordinary skill in the art to effect such a LAN. Accordingly, the Applicants respectfully submit that Lueker et al. does not anticipate claim 17 and request withdrawal of this rejection, accordingly.

With respect to claims 18 and 29, the Applicants respectfully submit that these claims are allowable at least by virtue of their dependency on claim 17.

With respect to claims 33, 34, and 37, the present Office Action has not indicated specifically how these claims are allegedly anticipated by Lueker et al. Notwithstanding,

independent claims 33 and 37 both feature broadband data transmission. Thus, as discussed previously with respect to independent claim 17, Lueker et al. does not teach or suggest all of the elements of these claims. Further, with respect to claim 34, this claim is believed to be allowable at least by virtue of its dependency on claim 33.

Claims 17 and 19 were rejected under 35 USC §102(b) as being anticipated by Hämmerling et al. (U.S. Patent No. 4,443,786). The Applicants respectfully traverse this rejection for the following reasons.

The system taught by Hämmerling et al. is used for monitoring and controlling domestic appliances and for intercommunication. The system of Hämmerling et al. is not at all concerned with broadband communication and does not even contemplate such type of data transmission. In particular, the type of data contemplated by Hämmerling et al. would only require small data rates. Thus, broadband communication is neither contemplated nor suggested by Hämmerling et al. Accordingly, Applicants respectfully submit that claim 17 is not anticipated by this reference and request withdrawal of the rejection. With respect to dependent claim 19, this claim is believed to be allowable at least by virtue of its dependency.

Claims 20 and 30 were rejected under 35 USC §103(a) as being unpatentable over Hämmerling et al. in view of Scifres. The Applicants respectfully traverse this rejection and submits that these claims are allowable at least by virtue of their dependency on independent claim 17, discussed above.

Claim 21 was rejected under 35 USC §103(a) as being unpatentable over Hämmerling et al. in view of Hortensius et al. The Applicants respectfully submit that neither of the cited references teach or suggest broadband communication and that claim 21 is further allowable at least by virtue of its dependency on independent claim 17.

Claims 22 and 23 were rejected under 35 USC §103(a) as being unpatentable over Hämmerling et al. in view of Hämmerling et al. in view of Sakanaka et al. The Applicants respectfully traverse this rejection and submits that the cited references do not teach or suggest broadband communication and further that these claims are allowable at least by virtue of their ultimate dependency on independent claim 17.

Claim 24 was rejected under 35 USC §103(a) as being unpatentable over Hämmerling et al. in view of Farber et al. The Applicants respectfully traverse this rejection and submits that the cited references do not teach or suggest broadband communication and further that this claim is allowable at least by virtue of its ultimate dependency on independent claim 17.

Claims 25-28 were rejected under 35 USC §103(a) as being unpatentable over Lueker et al. in view of Propp et al. The Applicants respectfully traverse this rejection and submit that the cited art does not teach or suggest broadband communication and further that these claims are allowable at least by virtue of their dependency on independent claim 17.

Claims 31-32 and 35 were rejected under 35 USC §103(a) as being unpatentable over Lueker et al in view of White et al. The Applicants respectfully traverse this rejection and submit that claims 31-32 and 35 are allowable at least by virtue of their respective dependencies on independent claims 17 and 33, which were discussed previously.

Claims 36 and 38 were rejected under 35 USC §103(a) as being unpatentable over Lueker et al. in view of Hämmerling et al. The Applicants respectfully traverse this rejection because, as discussed previously, neither of these references teach or suggest broadband communication. Accordingly, these claims are submitted to be allowable based at least on their dependency on claims 36 and 38, respectively.

In light of the foregoing comments the Applicants respectfully submit that the application is in condition for allowance and request that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

BELL, BOYD & LLOYD LLC

BY

  
Patrick B. Law

Reg. No. 41,549

P.O. Box 1135

Chicago, Illinois 60690-1135

Phone: (312) 781-6801

Dated: November 17, 2003